

TRIPURA GAZETTE

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PART--IV-- Bills introduced in the Tripura Legislative Assembly, Report of Selection Committees presented or to be presented to that Assembly ; and Bills published before introduction in that Assembly.

TRIPURA LEGISLATIVE ASSEMBLY
SECRETARIAT
NEW CAPITAL COMPLEX
AGARTALA, TRIPURA, PIN – 799 010
[Fax : (0381) 241 4095/9654]

No.F.7(12-29)-LA/2021.

Dated, Agartala the 24th March, 2021.

NOTIFICATION

“ As required under Rule 117 of the Rules of Procedure and Conduct of Business in the Tripura Legislative Assembly, “**The Tripura Lokayukta (Fourth Amendment) Bill, 2021 (The Tripura Bill No. 8 of 2021)**” as introduced in the Assembly on the **24th March, 2021** to be published in the Tripura Gazette.”

(B.P. Karmakar)
Secretary
Tripura Legislative Assembly

TRIPURA BILL No.8 OF 2021

THE TRIPURA LOKAYUKTA (FOURTH AMENDMENT) BILL, 2021

**A
BILL**

Further to amend the Tripura Lokayukta Act, 2008.

WHEREAS, It is expedient to amend "The Tripura Lokayukta Act, 2008 (hereinafter referred to as the 'Principal Act') by incorporating an enabling provision in "The Tripura Lokayukta Act, 2008" in terms of qualification for appointment of Lokayukta, Tripura in public interest;

BE it enacted by the Tripura Legislative Assembly in the Seventy-Second year of the Republic of India as follows:-

1. Short title and commencement :

(1) This Act may be called "The Tripura Lokayukta (Fourth Amendment) Act, 2021";

(2) It shall come into force on the date of its publication in the official gazette.

2. Amendment of Section 3 of the Principal Act :

Sub-Section (2) of section 3 of the Principal Act shall be substituted with following namely :

"(2) A person shall not be qualified for appointment as Lokayukta unless he is a retired Judge of High Court or is qualified to be a Judge of the High Court or had been qualified to be a Judge of High Court".

3. Repeal and Savings:

(1) The Tripura Lokayukta (Furth Amendment) Ordinance, 2020, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Tripura Lokayukta Act, 2008 was enacted with an object of providing free, fair and transparent administration to the people of the state. The position of Lokayukta is preminent to deal with complaints of corruption and give a clean and transparent administration. As per existing provisions, the tenure of Lokayukta is three years. Accordingly, the term of Justice(Retd) Shri Subal Baidya ended on 26-04-2020. Now the post of the Lokayukta is lying vacant. But there is necessity to expand the zone of consideration of eligible persons so that a fit person can be appointed as Lokayukta.

2. Under the circumstances, the State Government considers it expedient to further amend the provisions of Sub-Section-(2) of Section 3 of the Tripura Lokayukta Act, 2008, by incorporating an enabling provision in terms of qualification for appointment of Lokayukta, Tripura in public interest, so that the post of Lokayukta does not fall vacant.

3. As the House of the Tripura Legislative Assembly was not in session at the relevant time and the Governor of Tripura after making himself satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Tripura Lokayukta Act, 2008, it was amended by way of promulgation of the Tripura Lokayukta (Fourth Amendment) Ordinance, 2020 on the 15th January, 2020 (The Tripura Ordinance No.10 of 2020). Now, as per the Article 213(2) of the Constitution of India, it is required to place the said Ordinance by this Amendment Bill.

4. The Bill seeks to replace "The Tripura Lokayukta (Fourth Amendment) Ordinance,2020.

Agartala,

Dated, _____ March,2021.

**(CHIEF MINISTER)
TRIPURA**

TECHNICAL REPORT

This is the Tripura Lokayukta (Fourth Amendment) Bill, 2021. The subject matter of the Bill relates to entry 45 of the concurrent List(List-III) of the Seventh Schedule to the Constitution of India. The State Legislature is therefore, competent to legislate on the subject. The provisions of the Bill are not repugnant to any of the provisions of any existing Central Law on the subject or of the Constitution of India.

2. This is not money Bill within the meaning of Article 199 of the Constitution. Prior recommendation of the Governor for introducing the Bill in the Legislative Assembly is not, therefore, necessary. The Bill if enacted shall not involve any additional expenditure from the consolidated fund of the State. Prior recommendation of the Governor under clause (3) of the Article 207 of the Constitution is also not necessary for consideration of the Bill in the House.

Agartala,
Dated, _____March,2021.

(Biswajit Palit)
Secretary Law
Government of Tripura

FINANCIAL MEMORANDUM

The Bill if promulgated and brought into operation shall not involve any additional expenditure from the consolidated fund of the State of Tripura.

Agartala,
Dated, _____ March, 2021.

(L.H. Darlong)
Principal Secretary
GA(AR) Department
Government of Tripura